

1 TRINETTE G. KENT (State Bar No. 222020)  
2 3219 E Camelback Road, #588  
3 Phoenix, AZ 85018  
4 Telephone: (480) 247-9644  
5 Facsimile: (480) 717-4781  
6 E-mail: tkent@lemborglaw.com

7 Of Counsel to  
8 Lemberg Law, LLC  
9 43 Danbury Road, 3rd Floor  
10 Wilton, CT 06897  
11 Telephone: (203) 653-2250  
12 Facsimile: (203) 653-3424

13 Attorneys for Plaintiff,  
14 Jason Cordero

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA  
17 EASTERN DIVISION

18 Jason Cordero,

19 Plaintiff,

20 vs.

21 Navient Solutions, LLC,

22 Defendant.

Case No.:

**COMPLAINT FOR DAMAGES**

**FOR VIOLATIONS OF:**

- 1. THE TELEPHONE CONSUMER PROTECTION ACT;**
- 2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

**JURY TRIAL DEMANDED**

1 Plaintiff, Jason Cordero (hereafter “Plaintiff”), by undersigned counsel, brings  
2 the following complaint against Navient Solutions, LLC (hereafter “Defendant”) and  
3 alleges as follows:  
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the  
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated  
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,  
9 *et seq.* (“Rosenthal Act”).  
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.  
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.  
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
16 where Defendant transacts business in this district.  
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in San Bernardino, California, and  
20 is a “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).  
21

22 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).  
23

24 6. Defendant is a business entity located in Wilkes-Barre, Pennsylvania, and  
25 is a “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §  
26 1788.2(g).  
27  
28

1           7. Defendant, in the ordinary course of business, regularly, on behalf of  
2           itself or others, engages in the collection of consumer debts, and is a “debt collector”  
3           as defined by Cal. Civ. Code § 1788.2(c).  
4

5  
6                           **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7           8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to  
8           be owed to Defendant.  
9

10          9. Plaintiff’s alleged obligation arises from a transaction in which property,  
11          services or money was acquired on credit primarily for personal, family or household  
12          purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).  
13

14          10. At all times mentioned herein where Defendant communicated with any  
15          person via telephone, such communication was done via Defendant’s agent,  
16          representative or employee.  
17

18          11. At all times mentioned herein, Plaintiff utilized a cellular telephone  
19          service and was assigned the following telephone number: 626-XXX-6185 (hereafter  
20          “Number”).  
21

22          12. Within the last year, Defendant placed calls to Plaintiff’s Number in an  
23          attempt to collect a debt.  
24

25          13. The aforementioned calls were placed using an automatic telephone  
26          dialing system (“ATDS”) and/or by using an artificial or prerecorded voice  
27          (“Robocalls”).  
28



23. Defendant continued to willfully call Plaintiff's Number using an ATDS and/or Robocalls knowing that it lacked the requisite consent to do so in violation of the TCPA.

25. The TCPA creates a private right of action against persons who violate  
the Act. *See* 47 U.S.C. § 227(b)(3).

27. As a result of each call made knowingly and/or willingly in violation of the TCPA, Plaintiff may be entitled to an award of treble damages.

**VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, Cal. Civ. Code § 1788, et seq.**

30. Defendant caused Plaintiff's telephone to ring repeatedly or continuously to annoy Plaintiff, in violation of Cal. Civ. Code § 1788.11(d).

32. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- ## COMPLAINT FOR DAMAGES

1 E. Costs of litigation and reasonable attorneys' fees pursuant to Cal. Civ.

2 Code § 1788.30(c);

3  
4 F. Punitive damages; and

5 G. Such other and further relief as may be just and proper.

6  
7 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

8  
9  
10 DATED: May 25, 2018

TRINETTE G. KENT

11 By: /s/ Trinette G. Kent

12 Trinette G. Kent, Esq.

13 Lemberg Law, LLC

14 Attorney for Plaintiff, Jason Cordero